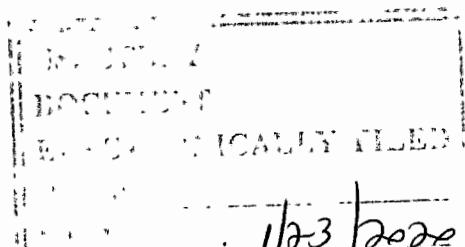


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January 23, 2020

MEMO ENDORSED

VIA ECF ELECTRONIC FILING

Hon. Colleen McMahon
Chief Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007-1312

1/23/2020
OK Martin J. Frankel
✓

Re: **In re The Great Atlantic & Pacific Tea Company, Inc., et al.**
Civil Action No. 20-0583-CM-LMS

In re The Great Atlantic & Pacific Tea Company, Inc., et al., Debtors
Jointly Administered under Bankruptcy Case No. 15-23007-RDD

The Great Atlantic & Pacific Tea Company, Inc., et al. v. PepsiCo, Inc., et al.
Adv. Proc. No. 18-08245-RDD

Dear Judge McMahon:

This firm serves as special conflicts counsel to The Great Atlantic & Pacific Tea Company, Inc. (“GAPT”) and its co-debtors (collectively, “Appellees”), the appellees in the instant bankruptcy appeal and the plaintiffs in above-captioned adversary proceeding. GAPT submits this letter motion requesting a brief extension from January 30, 2020 to and including February 14, 2020 of the time in which it may respond to the motion of PepsiCo, Inc. and its co-appellants (collectively, “Appellants”) for leave to file an appeal. The Appellants seek leave to appeal from a January 2, 2020 Order of the United States Bankruptcy Court for the Southern District of New York (Drain, USBJ) denying their motion for partial summary judgment.

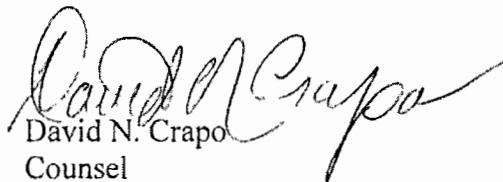
The Appellants filed their Notice of Appeal and their motion for leave to appeal on January 16, 2020. The Appellee’s response is currently due to be filed and served on January 30, 2020. The Appellees’ response to the Appellants’ motion will require review and input from a three-member Oversight Committee. Accordingly, undersigned counsel for the Appellees requested from the Appellants’ counsel an extension to and including February 14, 2020 of the time in which the Appellees may respond to the Appellants’ motion. Counsel for the Appellees has consented to the extension. No prior request for extension of the January 30, 2020 deadline has been requested. At present no deadlines or hearings have been set in the instant bankruptcy appeal.

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Counsel for the Appellees has been served contemporaneously with the filing of this letter motion.

The Appellees, therefore, respectfully request an extension, to and including February 14, 2020, of the time in which they may respond to the Appellants' motion for leave to file an appeal.

Respectfully submitted,


David N. Crapo
Counsel

DNC:

None

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